

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:24-CV-00186-KDB-SCR**

DEWAYNE LEE HORNE,)
)
Plaintiff,)
)
v.) **ORDER**
)
PACTIV EVERGREEN INC., et. al.,)
)
Defendants.)

THIS MATTER is before the Court on “Defendant’s Motion to Dismiss” (Doc. No. 11) filed September 20, 2024; and Plaintiff’s “Amended Complaint” (Doc. No. 19) filed November 14, 2024.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to “amend its pleading once as a matter of course,” if done within 21 days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or “if the pleading is one to which a responsive pleading is required,” a party may amend once as a matter of course, provided that it does so within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given “when justice so requires.” Fed. R. Civ. P. 15(a)(2).

The Court permitted Plaintiff to file his Amended Complaint by November 14, 2024. See Minute Order entered November 12, 2024; Text-Only Order entered October 14, 2024. Plaintiff filed the “Amended Complaint” on November 14, 2024. (Doc. No. 19).

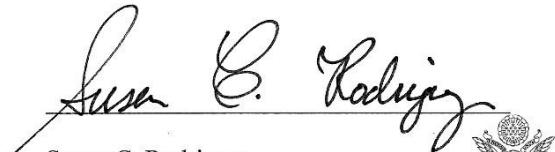
It is well-settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Hall v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., No. 3:10-CV-418-RJC-DSC, 2011 WL 4014315, at *1 (W.D.N.C. June 21, 2011); Young v. City of Mount Ranier, 238 F.3d 567, 572-73 (4th Cir. 2001).

The Court makes no determination as to the merits of any of Plaintiff's claims and all objections and defenses raised by Defendant in its initial Motion are preserved.

IT IS THEREFORE ORDERED that:

1. "Defendant's Motion to Dismiss" (Doc. No. 11) is administratively **DENIED** as moot without prejudice.
2. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Kenneth Bell.

Signed: November 18, 2024



Susan C. Rodriguez
United States Magistrate Judge

